



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100, BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

AUG 22 2012

Gerard McCarty, Director of Public Facilities
Town of Weston
89 Wellesley Street
Weston, Massachusetts 02493

Re: Short-Term PCB Risk-Based Disposal Approval under § 761.61(c) and § 761.62(c)
Field Elementary School, Weston, Massachusetts

Dear Mr. McCarty:

This is in response to the Notification¹ by the Town of Weston (the Town) for approval of a short-term risk-based disposal plan to address PCB-contamination at the Field Elementary School (the Site) located at 99 School Street in Weston, Massachusetts (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and paints and in building substrates.

The Town has submitted a short-term risk-based plan that includes implementation of interim measures for PCB-contaminated building products and surfaces until construction of a new school with occupancy estimated in 2014. The proposed interim measures include the following:

- Remove approximately 1,500 linear feet (LF) of PCB caulk with greater than or equal to (\geq) 50 parts per million (ppm) at accessible interior transition joints;
- Clean and encapsulate with a liquid coating (e.g., epoxy paint) or a physical barrier (e.g., metal strip) approximately 1,500 square feet of *porous surfaces* located within 6 inches of the PCB caulk joint, and approximately 2,550 square feet of \geq 50 ppm PCB painted *porous surfaces*; and,

¹ Information was submitted by EH&E on behalf of the Town to support a short-term risk-based disposal approach for *PCB remediation waste* and *PCB bulk product waste* under 40 CFR §§ 761.61(c) and 761.62(c). Information was provided dated July 30, 2012 (Work Plan for Removal and Encapsulation of Building-Related PCBs (PCB Work Plan)); August 1, 2012 (email Work Plan for Paint Encapsulation); August 16, 2012 (email TMC Contractor Work Plan); August 17, 2012 (email Supporting Documentation for PCB Work Plan); and August 21, 2012 (clarification regarding encapsulation). These submissions will be referred to as the "Notification".

- Collect post encapsulation air samples and surface wipe samples of encapsulated (coated) surfaces to confirm that the interim PCB abatement goals of less than or equal to (\leq) 300 ng/m³ and \leq 1 μ g/100 cm² have been achieved for indoor air and surfaces, respectively.

The PCB sampling to-date indicates PCB indoor air concentrations are less than ($<$) 300 ng/m³, and surface wipe results for the $<$ 50 ppm caulks are $<$ 1 μ g/100 cm².

Based on EPA's review of the proposed plan, the air and wipe sampling results, and the fact that the Town is proposing to build a new school by 2014, EPA is approving the Town's PCB interim plan under §§ 761.61(c) and 761.62(c).

The Town may proceed with its project in accordance with 40 CFR § 761.61(c); § 761.62(c); its Notification; and, this Approval, subject to the conditions of Attachment 1. EPA is reserving its rights to require additional investigation or mitigation measures should the monitoring results indicate that an unreasonable risk of harm exists to Site users.

Please note the following conditions:

- ⇒ Condition 10. This condition requires that the Town conduct outreach for school users concerning the PCBs and the short-term measures that will be implemented.
- ⇒ Condition 12. Requires development and submittal of a *Maintenance and Monitoring Plan for Polychlorinated Biphenyls* which shall detail among other things, the indoor air sampling and surface wipe sampling that will be implemented under this Approval.

This Approval does not release PWSB from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Massachusetts Department of Environmental Protection (MassDEP) regulations.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

Please be aware that this Approval shall expire on December 31, 2014. An extension to this timeframe may be requested pursuant to Attachment 1, Condition 1.

Sincerely,

A handwritten signature in blue ink, appearing to read "James T. Owens III", with a stylized flourish at the end.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc: MassDEP, NERO
C. Campisano, EH&E
W. Diotalevi, Weston Public Health Director
File

Attachment 1

ATTACHMENT 1

**SHORT-TERM PCB RISK-BASED DISPOSAL APPROVAL CONDITIONS
FIELD ELEMENTARY SCHOOL ("the Site")
99 SCHOOL STREET
WESTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site as identified in the Notification.¹
 - a. This Approval shall expire on December 31, 2014 unless revoked, suspended, modified, extended or terminated.
 - b. The Town of Weston (the Town) shall submit a PCB cleanup and disposal plan under §§ 761.61 and 761.62 to address the PCB contamination at the Site at least 90 days prior to the Approval expiration date.
 - c. Request for an extension of this Approval or for submittal of the PCB cleanup and disposal plan shall be made in writing at least 120 days prior to the expiration date, and shall include a justification for the extension(s). EPA may require the submission of additional information in connection with any extension request.
2. The Town shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the interim plan and activities described in the Notification differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes that may be generated at the Site while this Approval is in force. In the event of a new spill or release of PCBs during maintenance, abatement, or remedial activities, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

¹ Information was submitted by EH&E on behalf of the Town to support a short-term risk-based disposal approach for *PCB remediation waste* and *PCB bulk product waste* under 40 CFR §§ 761.61(c) and 761.62(c). Information was provided dated July 30, 2012 (Work Plan for Removal and Encapsulation of Building-Related PCBs (PCB Work Plan)); August 1, 2012 (email Work Plan for Paint Encapsulation); August 16, 2012 (email TMC Contractor Work Plan); August 17, 2012 (email Supporting Documentation for PCB Work Plan); and August 21, 2012 (clarification regarding encapsulation). These submissions will be referred to as the "Notification".

6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in PCB maintenance, abatement, or remedial activities conducted at the Site. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval or the federal PCB regulations under 40 CFR Part 761, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve, any violations of federal, state or local law.
8. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.

INTERIM REMEDIAL AND DISPOSAL CONDITIONS

10. The Town shall conduct outreach activities for the school community on the PCB remediation work and interim measures as described in the Notification and as required under Condition 12.c.
11. Following encapsulation of PCB-contaminated *porous surfaces*, initial surface wipe sampling and indoor air sampling shall be conducted to determine the effectiveness of the encapsulation.
 - a. *Surface Wipe Sampling*
 - i) Wipe sampling of encapsulated (coated with a liquid sealant) *porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. µg/100 cm²) and at the frequency described in the Notification.
 - ii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.

- iii) In the event that the PCB concentration of any wipe sample is greater than ($>$) $1 \mu\text{g}/100 \text{ cm}^2$, the Town shall contact EPA for further discussion and direction on alternatives.
 - b. *Indoor Air Sampling*
 - i) Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of less than ($<$) $0.05 \mu\text{g}/\text{m}^3$ for total PCBs. At a minimum, PCB analysis shall include PCB homologues and/or PCB congeners.
 - ii) In the event that PCB air sample results are $> 300 \text{ ng}/\text{m}^3$, the Town shall contact EPA for further discussion and direction on alternatives, which may include development of a site-specific risk exposure assessment.
 - c. The Town shall provide the results of this sampling to EPA within 7 days of receiving the analytical results of the initial air and wipe sampling.
12. Longer-term indoor air sampling and surface sampling (**both** encapsulated and non-encapsulated surfaces) for PCBs shall be conducted to determine the efficacy and effectiveness of the interim measures at the Site.
- a. Within 45 days of completion of the work authorized under this Approval, the Town shall submit for EPA's review and approval, a detailed *Maintenance and Monitoring Plan for Polychlorinated Biphenyls* (MMP) for the encapsulated surfaces and for indoor air. The Town shall incorporate any changes to the MMP required by EPA.
 - b. The MMP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and reporting requirements.
 - c. The MMP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users.
 - d. The MMP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the encapsulants (both liquid sealants and physical barriers).

- e. Results of the indoor air and surface wipe sampling shall be provided in writing, to EPA within 14 days of receipt of the laboratory results. In the event that PCB concentrations in the wipe samples are $> 1 \mu\text{g}/100 \text{ cm}^2$ or, in the air samples are $> 300 \text{ ng}/\text{m}^3$, the Town shall notify EPA within 24 hours of receiving the results and shall describe actions that will be taken to investigate and/or address the exceedence(s).
13. All PCB waste (regardless of concentration) generated as a result any activity that disturbs PCB-contaminated materials at the Site, including but not limited to maintenance, abatement, or remedial activities, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below:
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or if EPA finds that these activities present an unreasonable risk of harm to public health or the environment.

RECORDKEEPING AND REPORTING CONDITIONS

19. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the interim measures and the analytical sampling shall be established and maintained by the Town in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1